

Regular Meeting

Agenda Item #	2
Meeting Date	23 October 2006
Prepared By	Sara Anne Daines HCD Director
Approved By	Barbara B. Matthews City Manager

Discussion Item	1 st Reading of an Ordinance Revising Rental Housing Licensing Provisions of the Takoma Park Code
Background	<p>The City of Takoma Park requires the licensing of all rental housing facilities, defined as “any building or group of buildings operated as one entity in which the landlord provides one or more rental units to a tenant for rent or other consideration.” The licensing program is administered by the Housing and Community Development Department’s Code Enforcement Division.</p> <p>On September 25, 2006, the Council considered staff’s proposal to amend the existing ordinance and streamline the current licensing process. The Council supported the retention of the current annual and biannual rental licenses, the elimination of the six-month license and the creation of a new temporary rental license, a reduction in the licensing requirements, the renewal of an existing license prior to completion of the required property inspection, broader authority of the City Manager to deny, revoke or suspend a license, and increased penalties for failing to obtain or maintain a rental housing license. These changes have been incorporated into the attached ordinance, which is being considered for its first reading on October 23, 2006.</p> <p>A second reading of the ordinance is tentatively scheduled for November 13, 2006.</p>
Policy	<p>“Rental housing and business (commercial) premises in the City shall be licensed and regulated in such a manner as to ensure the protection of the health, welfare, and safety of those persons residing in, operating a business, or visiting such premises.”</p> <p><i>City Code Chapter 6.08.010 Purpose and Policy</i></p>
Fiscal Impact	NA
Attachments	Ordinance Revising Rental Housing Licensing Provisions of the Takoma Park Code
Recommendation	Approve first reading of the proposed ordinance
Special Consideration	

Introduced by:

First Reading:

Second Reading:

Drafted by: Linda S. Perlman

Asst. City Attorney

Draft date: October 19, 2006

Effective Date:

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2006-

(Revision of Rental Housing Licensing Provisions of the *Takoma Park Code*)

WHEREAS, the City of Takoma Park requires all rental facilities to have a rental housing license; and

WHEREAS, the Council desires to amend the provisions of the City's rental housing licensing law and streamline the current licensing program; and

WHEREAS, annual and biennial rental housing licenses are being retained, but the six-month rental housing license is being eliminated; and

WHEREAS, a new class of temporary rental housing license is being created for rental facilities and units which are temporarily vacant due to ongoing construction, repairs or renovation or which are vacant for other reasons, but the owner intends to rent or reread the unit and desires to maintain the rental use of the unit or facility; and

WHEREAS, the rental housing license term also is being standardized to a calendar year for ease of administration and authority is being given for the City to renew an existing license prior to completion of the required property maintenance code inspection; and

WHEREAS, the penalties for failing to obtain or maintain a rental housing license have been increased; and

WHEREAS, the Council believes that these changes to the City's rental housing license program will help make the rental housing license process more efficient and effective.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, as follows:

SECTION 1. Title 6, Housing, Chapter 6.08, Rental Housing Licenses and Commercial Occupancy Licenses, of the *Takoma Park Code* is amended as follows:

Section 6.080.010 Purpose and policy.

There are numerous dwelling units in the City which are rented, leased, or otherwise let to persons other than the owners of the dwelling unit. There also are numerous business (commercial) premises within the City. The City Council has the gravest responsibility for the protection of the health, safety, and welfare of all of the citizens of the City and of the occupants of these premises. It is declared to be the policy of the City that rental housing and business (commercial) premises in the City shall be licensed and regulated in such a manner as to ensure the protection of the health, welfare, and safety of those persons residing in, operating a business, or visiting such premises, and that such licensing and regulation shall be as set forth in this ~~Article~~ **Chapter**.

Section 6.08.020 License required.

A. *Rental Housing License.* The **legal owner of record** of a rental facility shall obtain a rental housing license before operating ~~the~~ **a building or** dwelling as rental housing.

1. The rental housing license shall contain the name, street address, and telephone number of the property owner and emergency contact information for the owner or property manager or agent authorized to act for the owner on all matters relating to the rental housing. The rental housing license also shall specify the exact location of the rental housing for which the license is issued. If the property owner is a corporation, **limited liability company**, or other entity, the entity must be properly qualified to do business in Maryland under state law. All corporate, **limited liability company**, or other entity property owners and all non-Maryland resident property owners shall certify to the City the name, street address, and telephone number of an agent who resides in Maryland and is qualified to accept notices and service of process on behalf of the owner and must keep such information current. All owners or property managers or agents who are authorized to act for the owner on matters relating to the rental housing shall provide the City with emergency contact information and shall keep such information current.

2. ~~The following types of rental housing licenses shall be issued to the property owner and shall be issued for the following term:~~

a. *Regular Rental Housing Licenses.* Regular rental housing licenses shall be issued for a **term of one (1) calendar year** ~~period of one (1) year from the date of issuance.~~

b. *Biennial Rental Housing Licenses.* If the rental facility is well-maintained and qualifies for the Biennial Residential Rental Inspection Program, ~~as established by City regulation,~~ then a rental housing license shall be issued for a **term** ~~period~~ of two (2) **calendar** ~~years from the date of issuance.~~ To be eligible for the Biennial Residential Rental Inspection Program, a rental facility **may** ~~must~~ have no more than five (5) minor violations of the Property Maintenance Code at the time of the licensing inspection and all violations must be corrected by the reinspection date set by the code official. Examples of minor violations include, but are not limited to, small wall cracks, slow faucet leaks, and defective bathtub caulking. The City Manager may remove a rental facility from the Biennial Residential Rental Inspection Program if: (i) three or

more valid complaints are received about the rental facility or any rental unit during the license term; (ii) serious Property Maintenance Code violations occur in the rental facility or any rental unit during the license term; (iii) the owner or property manager of the rental facility fails to respond to City or valid tenant requests in a timely manner; or (iv) the City Manager, in his/her discretion, determines that there is other good cause for removing the rental facility from the biennial inspection program and placing the rental facility on an annual inspection schedule for a regular rental housing license or ~~on a six (6) month inspection schedule for a six (6) month~~ **issuing a temporary** rental housing license.

~~c. *Six Month Rental Housing Licenses.* A rental facility may be placed on a six (6) month licensing and inspection schedule when the City Manager determines that there are repeated violations of the Property Maintenance Code in the rental facility; that such violations constitute a threat to the life, health, safety or property of the tenants of the rental facility; and that the owner, within fifteen (15) days after receiving written notice of the violations, has not eliminated or initiated bona fide efforts to eliminate the violations. When at least four consecutive six (6) month licensing inspections confirm that a rental facility on a six (6) month licensing and inspection schedule is being maintained to the standards of the Property Maintenance Code, then the rental facility may then be placed on an annual inspection schedule for a regular rental housing license.~~

c. *Temporary Rental Housing Licenses.*

(1) A temporary rental housing license may be issued for the following:

(a) That part of a newly constructed or renovated rental facility that has been completely constructed or renovated provided the owner has obtained a temporary certificate of occupancy and complied with all other applicable laws.

(b) A rental facility or unit that is temporarily vacant because the facility or unit is undergoing repairs or renovations.

(c) A rental facility or unit that is vacant, but the owner intends to rent or rerent the facility or unit within a six-month period.

(2) A temporary rental license shall be issued for a six-month term. The license fee for a temporary rental license shall be one-half of the regular rental housing license fee, as set forth in Section 6.08.030. A temporary rental license shall expire at the earlier of the end of the license term or when a regular or biennial rental housing license to operate the entire rental facility or the rental unit is issued.

(3) A temporary rental license may be renewed for up to two additional terms if:

(i) The owner has shown good cause why the

construction, repairs or renovations to the rental facility or unit have not been completed; or

(ii) The rental facility or unit remains vacant, but the owner desires to maintain the rental use of the rental facility or unit; provided, however, that such a vacant rental unit or facility must apply for a regular or biennial rental housing license for the vacant rental facility or unit within fifteen (15) business days of the rental of any such vacant rental facility or unit.

(4) All requirements of this Chapter for issuance of a regular or biennial rental housing license shall apply to the issuance of a temporary rental license except that the rental facility or unit shall not be required to have passed a licensing inspection for compliance with the Property Maintenance Code.

B. *Commercial Occupancy License.* The owner of business premises shall obtain a commercial occupancy license.

1. The commercial occupancy license shall contain the name of the property owner and the owner's street address and phone number. The commercial occupancy license also shall specify the exact location of the business premises and the number of square feet of enclosed area of the business premises. If the property owner is a corporation, **limited liability company**, or other entity, the entity must be properly qualified to do business in Maryland under state law. All corporate, **limited liability company**, or other entity property owners and all non-Maryland resident property owners shall certify to the City the name, street address, and telephone number of an agent who resides in Maryland and is qualified to accept notices and service of process on behalf of the owner and must keep such information current. All owners or property managers or agents who are authorized to act for the owner on matters relating to the business premises shall provide the City with emergency contact information and shall keep such information current.

2. For each business occupying the business premises, the owner shall provide the City with the name of each business, the type or nature of each business, the owner of each business, the exact location of each business, and the number of square feet of space occupied by each business in the business premises.

3. Commercial occupancy licenses shall be issued to the owner of the business premises and shall be issued for a period of one (1) year from the date of issuance.

C. *Exemptions.* The following shall not require either a rental housing license or a commercial occupancy license:

1. Government buildings (for example, City, County, M-NCPPC, school, state, federal, or post office).

2. Hospitals, nursing homes, convalescent homes, hospices, and other health care facilities and residences.

3. Churches, synagogues, parsonages, rectories, convent and parish houses, and other religious facilities.

4. Portions of residential buildings used for home occupations or home day care.

5. Hotels, motels, tourist homes, and bed and breakfast facilities.

6. Private schools and colleges and school dormitories.

Section 6.08.030 License fees.

A. *Rental Housing License.* Each owner of a rental facility shall pay an annual rental housing license and inspection fee of \$874.00 per rental unit in the rental facility, for a regular rental housing license, and a biennial rental housing license fee of \$84.00 for two years per rental unit in the rental facility for a biennial rental housing license. Rental housing license fees shall be due and payable thirty (30) days after billing. License fees are non-refundable and are not pro-rated in the event that a license is issued after January 1 of a calendar year or the number of rental units in a rental facility decreases during a calendar year.

B. *Commercial Occupancy License.* Each owner of business premises subject to licensing shall pay the following annual license and inspection fees for the business premises:

1. \$75.00 for business premises containing up to 15,000 square feet of enclosed area; \$150.00 for business premises containing between 15,001 and 45,000 square feet of enclosed area; and \$225.00 for business premises containing more than 45,001 square feet of enclosed area.

2. Commercial occupancy license and inspection fees shall be due and payable thirty (30) days after billing. License fees are non-refundable and are not pro-rated for licenses issued after January 1 of a calendar year.

C. *License fee increases.*

1. Effective on January 1 of each year, beginning with January 1, 2003 when the annual rental housing license fee was \$74.00 per rental unit, all license and inspection fees shall increase by an amount equal to the percent change in the Consumer Price Index, All Urban Consumers, DC-MD-VA-WV, All Items, November 1996 = 100 ("CPI-U"), or any successor or replacement to this CPI, rounded to the nearest dollar. All annual computations shall be based on the prior non-rounded figures; only the fee charged shall be rounded. The percent change in the CPI-U shall be computed for the 12-month period ending in September of each year from the average CPI-U for the 12-month period ending in September of the previous year. If there is no increase in the CPI-U, then the license and inspection fee shall remain the same.

2. Fees shall not be increased for the holder of a license during the time that license is valid, but nothing contained herein shall be construed to limit the amount of any fee due

and payable at the time of renewal or reinstatement. If the number of rental units in a rental facility or the square footage of space in the business premises increases during the license term over the number specified in the application, then, within fifteen (15) business days of such increase, the license application shall be amended and any additional amount of license and inspection fee required by reason of such increase shall be paid.

~~D. — Reinspection fee. The license and inspection fee shall include the initial licensing inspection of the rental facility or business premises and up to two (2) follow-up inspections. A reinspection fee shall be charged for each additional licensing inspection which is required to determine if violations of the Property Maintenance Code have been corrected. If the owner or authorized property manager or agent of the rental facility or business premises has been properly notified of an inspection, then the owner's or property manager's or agent's failure either to be present for a scheduled inspection or to reschedule an inspection at least than 24 hours prior to the date and time of the scheduled inspection, except in the case of a bona-fide emergency, shall be considered an inspection. Complaint inspections are not subject to the reinspection fee.~~

~~1. — The reinspection fee for a rental facility shall be equal to 50% of the rental housing license and inspection fee for all rental units of the rental facility which require additional inspections to determine if violations of the Property Maintenance Code have been corrected. If the violations of the Property Maintenance Code are located in the common area or exterior of the rental facility, then the reinspection fee shall be equal to 50% of the license fee for one (1) rental unit.~~

~~2. — The reinspection fee for business premises shall be equal to 50% of the commercial occupancy license and inspection fee for the first 1,000 square feet gross floor space of business premises containing up to 15,000 square feet of enclosed area.~~

~~3. — Reinspection fees shall be due and payable thirty (30) days after billing.~~

DE. *Penalty for late payment of fees.* The license fee ~~and any reinspection fee~~ shall be subject to a two percent (2%) penalty per month, or any portion thereof, beyond the date the fee is due and payable.

Section 6.08.040 License applications; renewal.

A. Application for a rental housing license or commercial occupancy license shall be made by or on behalf of the property owner on a form provided by the City containing such information as necessary to administer and enforce the provisions of this Chapter. Each license application shall be accompanied by the required license ~~and inspection fee~~.

B. Before a rental housing license ~~or a commercial occupancy license shall be~~ issued, all interior and exterior areas of the rental facility and each rental unit of the rental facility and all exterior areas of the business premises, as applicable, shall be inspected by the City for compliance with the Property Maintenance Code (“licensing inspection”), and the following criteria shall have been met:

~~1. There are no violations of the Property Maintenance Code.~~

~~2. There are no unpaid real or personal property taxes, stormwater management fees, or fines for municipal infractions for the rental facility or the business premises or for any business or activity conducted therein by a tenant or owner-occupant of business premises.~~

~~3. There are no orders relating to the rental facility or the business premises issued by the Commission on Landlord-Tenant Affairs (COLTA), Tree Commission, or other City administrative body which have not been complied with.~~

~~4. For a rental housing license, all required rent reports for the rental facility have been accurately completed and filed with the City.~~

15. For a rental housing license, the property owner or the management agent must have a valid Takoma Park Landlord Certification. Certification must be obtained by December 31, 2003, and renewed every three (3) years or upon a change in the ownership or management of the rental housing, whichever occurs earlier.

2. For a rental housing license, the license applicant has complied with all applicable provisions of *Annotated Code of Maryland*, Title 6, Subtitle 8, Reduction of Lead Risk in Housing, as amended, or has submitted evidence that the rental facility is not subject to the provisions of that subtitle.

~~6. The license applicant has certified that there are no existing violations of applicable health, safety, fire, building, electrical, plumbing, and zoning codes of the State of Maryland and Montgomery County.~~

C. *Licensing Inspections.*

1. *Currently licensed rental facilities and business premises.* Before the expiration of the license term, all interior and exterior areas of the rental facility and each rental unit of the rental facility and all exterior areas of the business premises, as applicable, shall be inspected by the City or its agent for compliance with the Property Maintenance Code ("licensing inspection") and there must be no uncorrected violations of the Property Maintenance Code.

2. *New rental facilities.* Before a rental housing license shall be issued for the initial rental of a rental facility or any rental unit, all interior and exterior areas of the rental facility and each rental unit of the rental facility shall be inspected by the City or its agent for compliance with the Property Maintenance Code and there must be no uncorrected violations of the Property Maintenance Code.

D€. *Renewal.* All rental housing licenses and commercial occupancy licenses shall be renewable upon payment of the appropriate fees and compliance with the provisions of this ChapterArticle.

Section 6.08.050 License information changes; transferability of license.

A. If an applicant for or the holder of a license changes address, changes emergency contact information, changes the management or resident agent for the licensed rental facility or the licensed business premises, or transfers ownership, the applicant or the licensee shall notify the City within fifteen (15) business days of the change. The City may reject an application or suspend or revoke a license if the applicant or licensee does not notify the City as required by this section.

B. Any person who takes over the ownership or operation of a licensed rental facility or licensed business premises may transfer the license for the unexpired portion of the term for which the license was issued by applying to the City within fifteen (15) business days after taking over ownership or operations and paying a license transfer fee of \$75.00.

C. Whenever the ownership of a rental facility or of business premises is transferred, the transferor shall promptly notify all tenants of the rental facility or the business premises of the name, street address, and telephone number, and office location of the transferee and of any property manager or agent authorized to act for the transferee on matters relating to the rental housing. The transferee also and shall provide emergency contact information for the transferee or and for any property manager or agent authorized to act for the transferee on matters relating to the rental housing. If the transferee is a corporation or other entity, the transferor also shall list the name, street address, and telephone number of the resident agent of the transferee.

Section 6.08.060 Display of license.

The owner of a rental facility and of business premises shall display the license in the lobby, vestibule, rental or management office, or other prominent public place on the premises during the entire period the license is effective. If the rental facility or the business premises does not have a lobby or other appropriate public place on the premises for display of the license, then a copy of the license shall be available from the owner or the owner's agent upon request.

Section 6.08.070 Inspections.

A. In addition to the licensing inspection required as a condition of license issuance pursuant to Section 6.08.040, the City or its agent may inspect rental housing or business premises at any time or times if the City or its agent receives a complaint or has reasonable grounds to believe that the rental housing or the business premises does not comply with the Property Maintenance Code and all applicable laws ("complaint inspection").

B. As a condition of receiving and maintaining a license under this ChapterArticle, a property owner must agree to:

1. Allow access to the City or its agent for any inspections required under this ChapterArticle or the Property Maintenance Code; and
2. Notify any affected tenant of the rental housing whose unit requires

inspection.

C. If an inspection indicates that any rental housing or business premises does not comply with the Property Maintenance Code and all applicable laws, the City may **deny, suspend or** revoke the license or proceed with enforcement under applicable provisions of law.

Section 6.08.080 License denial, suspension or revocation.

A. The City Manager may deny, suspend or revoke a rental housing license or commercial occupancy license for all or any unit or part of any rental facility or for business premises at any time if the owner or agent of the property, after fifteen (15) days written notice, does not eliminate or initiate bona fide efforts to eliminate **the violations of Chapter 6, Housing, or other applicable laws**. Revocation, denial or suspension of a license is in addition to, and not a substitute for, any other penalties provided for the violations.

B. Upon making a determination that a license should be denied, suspended or revoked, or that any application, including an application for license issuance or license renewal, should be denied the City Manager shall issue a written notice of the action setting forth the specific reasons for the action and serve the notice on the owner or agent of the property as provided in Section 1.04.14**20.C and D**.

C. A license may be suspended immediately upon written notice to the owner or agent of the property if City Manager determines that there are violations of the Property Maintenance Code or other applicable law in the rental facility or in any rental unit or business premises which pose a serious threat to the life, safety, property, or health of the tenants of the rental facility or any rental unit or of the tenants or occupants of the business premises (“serious violations”).

D. When a license has been suspended or revoked or an application for a license has been denied, it shall be unlawful for the owner of the rental facility or the business premises to rent, lease, let for occupancy, or use any rental unit or space in the premises then vacant or becoming vacant until a license has been issued, reissued or reinstated.

E. Upon the denial, suspension, revocation or expiration of a license, notice, provided by the City, shall be posted and prominently displayed in the rental or management office of the rental facility, on the door of the affected rental unit or units, or in a public place on the premises, as the City Manager determines. The notice shall state substantially as follows:

RENTAL OR OCCUPANCY OF ANY UNIT IN THIS BUILDING NOW VACANT
OR BECOMING VACANT **AFTER THE DATE OF THIS NOTICE** IS UNLAWFUL
UNTIL A RENTAL HOUSING LICENSE HAS BEEN OBTAINED FROM THE
CITY OF TAKOMA PARK AND IS DISPLAYED ON THE PREMISES.

Date of Notice:_____.

It is unlawful for any person to remove such notice until a license has been obtained **or reinstated**.

FE. If a rental housing license is denied, revoked or suspended and the City Manager determines that there are **serious** violations of the Property Maintenance Code or other applicable law in the rental facility or in any rental unit ~~which pose a serious threat to the life, safety, property, or health of the tenants of the rental facility or any rental unit (“serious violations”)~~, then the City Manager shall require the owner or agent of the property to give any tenants occupying the affected rental facility or the affected rental unit or units two (2) months written notice to vacate. The two (2) month notice must begin on the first day of the month after service of the notice on the tenant. In addition, a copy of the notice must be delivered to the City Manager. It is unlawful for any owner or agent of the property to penalize any tenant who vacates a rental unit under this provision prior to the expiration of the two (2) months written notice to vacate by charging the tenant rent for any period after the tenant vacates the unit or by other fees, penalties, or deductions from the tenant’s security deposit.

Section 6.08.090 Appeals from license denial, suspension or revocation.

~~A. Rental Housing License.~~

~~Any owner or agent of a rental facility aggrieved by an action of the City Manager under Section 6.08.080 may appeal that action to the Montgomery County Commission on Landlord and Tenant Affairs in accordance with Chapter 29, Article III, Sections 29-25 and 29-26 of the Montgomery County Code, as amended.~~

~~B. Commercial Occupancy License.~~

A. 1. Any owner or agent of **a rental facility or** business premises aggrieved by an action of the City Manager under Section 6.08.080 may, within fifteen (15) days after service of the written notice of the action, appeal the action to the Commission on Landlord-Tenant Affairs by filing a written notice of appeal with the Commission. An appeal does not stay the City Manager’s action unless the Commission stays the action for good cause. ~~If an owner or agent fails to appeal the City Manager’s notice of proposed denial, suspension or revocation, the action shall become effective upon the expiration of the time for appeal.~~

B. 2. Within thirty (30) days after a notice of appeal is filed, the Commission shall conduct a hearing, at which the owner or agent aggrieved shall have an opportunity to be heard. The Commission may summon all witness it deems necessary and/or require the production of relevant documents and records. Failure to comply with the summons is a violation of this **Chapter Article**.

C. 3. Commission hearings shall be conducted in accordance with the procedures set forth in Chapter 6.24, Commission on Landlord-Tenant Affairs, and the Commission’s regulations and rules of procedure, as applicable.

D. 4. Within thirty (30) days after the hearing, the Commission shall reverse, modify or affirm the action appealed. The Commission shall issue its opinion and order in writing and provide a copy to the owner or agent aggrieved. The Commission may extend the time for any

hearing and the issuance of its opinion and order.

E. 5: Any person aggrieved by the opinion and order of the Commission may appeal to the Circuit Court **for Montgomery County** within thirty (30) days from the date of the Commission's opinion and order. The procedures for an appeal of a Commission opinion and order shall be governed by Title 7, Chapter 200 (Judicial Review of Administrative Agency Decisions), of the Maryland Rules, as amended. An appeal does not stay enforcement of the Commission's opinion and order unless the court grants a stay.

Section 6.08.100 Reinstatement of license.

A license which has been denied, suspended or revoked shall be issued or reinstated upon a showing that the conditions and violations which led to the denial, suspension or revocation have been corrected and upon the payment of any license or other fees then due. In the case of a license suspension or revocation, a reinstatement fee of \$250.00 also shall be paid.

Section 6.08.110 Sunset date.

All provisions contained in this **Chapter**~~Article~~ applying to Commercial Occupancy Licenses shall expire on June 30, 2007, and shall be of no effect thereafter.

SECTION 2. Title 6, Housing, Chapter 6.40, Violations and Enforcement, of the *Takoma Park Code* is amended as follows:

Section 6.40.010 Violations and penalties.

A. Any violation of this title shall be a Class C municipal infraction except as otherwise specifically provided.

B. ~~Operating or permitting the operation or occupancy of a rental facility or business premises without having applied for and obtained a rental housing license or a commercial occupancy license, as applicable, or after a license has expired or been suspended, revoked or denied shall be a Class AA municipal infraction violation.~~

C B. The following shall be Class A municipal infraction violations:

~~1. Operating or permitting the operation or occupancy of a rental facility or business premises without first having applied for and obtained a rental housing license or a commercial occupancy license, as applicable, or after a license has expired or been suspended, revoked or denied;~~

12. Any Property Maintenance Code violation which poses an imminent danger to health, safety, or welfare or a substantial hardship to the occupant;

23. Failure to obey an order of the Commission;

34. Failure to file a rent stabilization report or submission of a false, incomplete or inaccurate rent stabilization report;
45. Charging or attempting to charge an illegal rent or fee;
56. Submitting false information or making false statements to the Department or to the Commission;
67. Any violation of Chapter 6.32;
78. Failure of an owner, agent or operator of any unsafe building to comply with any notice or order issued under Chapter 6.36.

D €. The failure of any occupant of an unsafe building to comply with any posted warning placard or notice or order to vacate shall be a Class D misdemeanor violation.

E Đ. Each day a violation continues shall be considered a separate violation. The imposition of an illegal rent or fee shall be a separate violation for each affected rental unit.

Section 6.40.030 Enforcement.

* * * *

Adopted this _____ day of _____, 2006, by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain:

EXPLANATORY NOTE

1. **Additions** to the existing language of the *Takoma Park Code* are shown by **redlining**.
2. ~~Deletions~~ to the existing language of the *Takoma Park Code* are shown by ~~strikeout~~.
3. * * * * indicates language of the *Takoma Park Code* which is not reproduced in this Ordinance and which is not being changed.

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